

MATTER OF URPI-SANCHO
In Deportation Proceedings

A-18822222

Decided by Board September 15, 1970

An alien admitted as a nonimmigrant student who was convicted of a single petty offense involving moral turpitude for which she was imprisoned, is not by reason of such conviction precluded by the provisions of section 101(f) (3) of the Immigration and Nationality Act from establishing good moral character during the period required for establishing eligibility for voluntary departure under section 244(e) of the Act. [*Matter of Neely and Whyte*, 11 I. & N. Dec. 864, overruled insofar as it deals with the privilege of voluntary departure.]

CHARGE:

Order: Act of 1952—Section 241(a) (9) [8 U.S.C. 1251(a) (9)]—Nonimmigrant student—Failure to maintain status.

This case presents an appeal from a decision of a special inquiry officer denying the respondent's application for the privilege of voluntary departure, and ordering her deportation to Costa Rica.

The respondent is a 21-year-old unmarried native and citizen of Costa Rica, who has resided in the United States since her arrival at Miami, Florida, on or about September 28, 1969. She was admitted as a nonimmigrant student to attend the University of Miami, and was authorized to remain in this country until September 27, 1970.

Early in February, 1970, the respondent interrupted her studies at the University of Miami, allegedly for one semester only. She has stated that a Service officer advised her that, in view of the short period involved, an application for a status change was unnecessary.

On February 19, 1970, the respondent was arrested for shoplifting. She was tried in the Miami, Florida, Municipal Court, on February 24, 1970, and was sentenced, on the charge of theft of goods of the total value of \$48.23, to imprisonment in the city jail